

**REMARKS**

Claims 5-8 are all the claims pending in the application; claims 6-8 are allowed; claim 5 is rejected.

Claim 5 has now been canceled.

No new matter has been added. Entry of the amendment is respectfully requested.

**I. Rejection of Claims Under 35 U.S.C. §102(b)**

At page 2 of the Office Action, claim 5 is rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Application ("JPA") No. 8-169884.

The Examiner states that the JPA teaches the use of the claimed compounds in a pharmaceutical formulation.

While Applicants disagree with the Examiner's position regarding the disclosure of the JPA and the anticipation of claim 5, to further prosecution of the present application, Applicants include herewith an amendment to the claims such that claim 5 is canceled, thereby making the rejection moot.

In view of the amendment to the claims, Applicants respectfully request reconsideration and withdrawal of this rejection.

**II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111  
U.S. Appln. No. 09/601,505

Q60247

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



---

Drew Hissong  
Registration No. 44,765

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: April 29, 2003